

NOTICE OF INDEPENDENT REVIEW DECISION

June 23, 2003

RE: MDR Tracking #: M2-03-0849-01-SS
IRO Certificate #: IRO 4326

___ has been certified by the Texas Department of Insurance (TDI) as an independent review organization (IRO). The Texas Workers' Compensation Commission (TWCC) has assigned the above referenced case to ___ for independent review in accordance with TWCC Rule §133.308 which allows for medical dispute resolution by an IRO.

___ has performed an independent review of the proposed care to determine if the adverse determination was appropriate. In performing this review, relevant medical records, any documents utilized by the parties referenced above in making the adverse determination, and any documentation and written information submitted in support of the appeal was reviewed.

The independent review was performed by a ___ physician reviewer who is board certified in anesthesiology and pain management which is the same specialty as the treating physician. The ___ physician reviewer has signed a certification statement stating that no known conflicts of interest exist between him or her and any of the treating physicians or providers or any of the physicians or providers who reviewed the case for a determination prior to the referral to ___ for independent review. In addition, the reviewer has certified that the review was performed without bias for or against any party to this case.

Clinical History

This patient sustained a back injury on ___. A post-discogram CT scan from 11/14/02 revealed a paracentral annular tear at L5-S1. She has undergone lumbar epidural steroid and facet injections, trigger point injections, and radiofrequency lesioning of lumbar facet joint innervation.

Requested Service(s)

Percutaneous disc decompression/nucleoplasty at L5-S1

Decision

It is determined that the proposed percutaneous disc decompression/nucleoplasty at L5-S1 is medically necessary to treat this patient's condition.

Rationale/Basis for Decision

This patient has obvious low back pain (LBP) which has not responded to conservative care and previous injections and rehabilitation. She has a contained herniated disc at L5-S1, and indication for nucleoplasty.

Nucleoplasty is a procedure which is available in every large pain center in the country. Results have shown good success (Sharps L: Percutaneous Disc Decompression using Nucleoplasty. North American Spine Society, 17th Annual Meeting, October 2002). It is a procedure which has been FDA approved for the treatment of LBP associated with contained herniated disc. Although it is relatively new in the U.S., it has been performed on over 7000 patients. The alternative would be consideration of open discectomy, which could result in more complications than percutaneous disc compression. Therefore, it is determined that the proposed percutaneous disc decompression/nucleoplasty at L5-S1 is medically necessary.

This decision by the IRO is deemed to be a TWCC decision and order.

YOUR RIGHT TO REQUEST A HEARING

Either party to this medical dispute may disagree with all or part of the decision and has a right to request a hearing.

If disputing a spinal surgery prospective decision a request for a hearing must be in writing and it must be received by the TWCC Chief Clerk of Proceedings within **10** (10) days of your receipt of this decision (20 Tex. Admin. Code 142.5 (c)).

If disputing other prospective medical necessity (preauthorization) decisions a request for a hearing must be in writing and it must be received by the TWCC Chief Clerk of Proceedings within **20** (twenty) days of your receipt of this decision (28 Tex. Admin Code 148.3).

This Decision is deemed received by you 5 (five) days after it was mailed (28 Tex. Admin Code 102.4(h) or 102.5(d)). A request for hearing should be sent to: Chief Clerk of Proceedings, Texas Workers' Compensation Commission, P.O. Box 40669, Austin, Texas, 78704-0012. **A copy of this decision should be attached to the request.**

The party appealing the decision shall deliver a copy of its written request for a hearing to all other parties involved in the dispute (Commission Rule 133.308 (t)(2)).

Sincerely,